

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JONATHAN DALSTROM
CANTRELL,

Defendant.

CR-18-38-GF-BMM-JTJ

**ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS AND
GRANTING MOTION TO
CHANGE PLEA**

Defendant Jonathan Dalstrom Cantrell appeared before United States Magistrate Judge John Johnston on July 19, 2018. Cantrell entered a plea of guilty to Assault Resulting in Serious Bodily Injury, as charged in Count I of the Indictment. Judge Johnston entered Findings and Recommendations in this matter on July 19, 2018. (Doc. 41.)

Judge Johnston determined: (1) that Cantrell was fully competent and capable of entering an informed and voluntary plea; (2) that Cantrell was aware of the nature of the charges against him and the consequences of pleading guilty to Count II; (3) that Cantrell understood his constitutional rights, and the extent to which he was waving those rights by pleading guilty; (4) that Cantrell's plea of guilty was a knowing and voluntary plea supported by an independent basis in fact

establishing each of the essential elements of the offense charged in Count II; (5) that Cantrell had adequate time to review the Plea Agreement with counsel; and (6) that Cantrell understood each provision of the Plea Agreement. (Doc. 41 at 1-2). Judge Johnston recommended that this Court accept Cantrell's plea of guilty to Count I, and that Count II, III, and IV of the Indictment be dismissed. (Doc. 41 at 2). Neither party filed objections to Judge Johnston's Findings and Recommendations.

The Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations, and adopts them in full.

Accordingly, IT IS ORDERED:

1. Cantrell's Motion to Change Plea (Doc. 31) is **GRANTED**.
2. The Court will defer acceptance of the Plea Agreement (Doc. 33) until sentencing, at which time the Court will have reviewed both the Plea Agreement and the Presentence Investigation Report.

DATED this 13th day of August, 2018.



Brian Morris
United States District Court Judge